

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CONNECTU LLC,

Plaintiff,

v.

MARK ZUCKERBERG, EDUARDO SAVERIN,
DUSTIN MOSKOVITZ, ANDREW MCCOLLUM,
CHRISTOPHER HUGHES, and FACEBOOK, INC.,

Defendants.

MARK ZUCKERBERG, and FACEBOOK, INC.,

Counterclaimants,

v.

CONNECTU LLC,

Counterdefendant,

and

CAMERON WINKLEVOSS, TYLER
WINKLEVOSS, and DIVYA NARENDRA,

Additional Counterdefendants.

Civil No. 1:04-CV-11923 (DPW)

**NOTICE OF NEWLY IDENTIFIED AUTHORITY
IN SUPPORT OF FACEBOOK DEFENDANTS' MOTION TO DISMISS**

Defendants Mark Zuckerberg, Dustin Moskovitz, Andrew McCollum, Christopher Hughes, and Facebook, Inc. (collectively, the “Facebook Defendants”) file this short notice of newly identified authority in support of their pending Motion to Dismiss. (Docket No. 94.)

Counsel for the Facebook Defendants recently have become aware of an additional case that may have bearing on whether this Court had subject matter jurisdiction when ConnectU filed its original complaint in this case.

In *Pramco, LLC v. San Juan Marina Bay, Inc.*, 435 F.3d 51 (1st Cir. 2006) (attached as Exhibit A), the First Circuit held that each member of a limited liability company like ConnectU also must possess diversity of citizenship independent of the entity itself. *Id.* at 54. Specifically, the Court concluded that “the citizenship of a limited liability company is determined by the citizenship of all of its members.” *Id.*

In the briefing to Facebook Defendants’ motion to dismiss, Facebook Defendants noted that Divya Narendra (founder of ConnectU) was a citizen of New York, and that if ConnectU had pled the real parties in interest – as they were required to do – there would have been no diversity on the face of the complaint because defendant Mark Zuckerberg was also a citizen of New York. (Facebook’s Reply Br., Docket No. 111-2 at 3). Under *Pramco*, ConnectU did not have diversity on the face of the original complaint, regardless of the real parties at issue, because ConnectU had the citizenship of all of its members of the limited liability company, including Divya Narendra.

Facebook Defendants respectfully request that the Court consider this newly identified authority when deciding Facebook Defendants’ motion to dismiss.

Dated: April 14, 2006

Respectfully submitted,

/s/ Jeremy P. Oczek

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